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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,014	12/19/2001	Holger Janssen	1882	3598

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STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

EXAMINER

SENFİ, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,014

Applicant(s)

JANSSEN, HOLGER

Examiner

Behrooz Senfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/13/2004, fwd 11/1/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's amendment (filed 8/13/2004) canceled all claims 1 – 18 and added new claims 19 – 44.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19, 21, 23, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heimann et al (US 5,948,042) in view of Okude et al (US 6,157,342).

Regarding claim 19, Heimann '042 teaches, "a method of producing road or Street section data for a digital map" (i.e. fig. 1) comprising, "providing a vehicle with an image producing device" (i.e. vehicle 11 with video camera, col. 4, lines 38 – 39) and "generating image data of surroundings of the vehicle and position determining device for generating position of the vehicle" (i.e. abstract, col. 6, lines 25+, col. 2, lines 55 – 60) and "driving the vehicle over at least one road" (i.e. abstract), and "during the driving of the vehicle and simultaneously collecting image data with the camera" (i.e. col. 5, lines 55 – col. 6, lines 31) and "analyzing the image data and correlating the vehicle position data and the road or street section" (i.e. traffic computer 20 of fig. 1). Heimann '042 fails to explicitly show vehicle position data comprises "an orientation of the vehicle in relation to an origin of a fixed first coordinate system". However, such features are

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well known and used in the prior art of the record as evidenced by Okude '342 (col. 6, lines 14 – 17, X and Y are fixed origin and X' and Y' are the orientation of the current position). Therefore, taking the combined teaching of Heimann '042 and Okude '342 as a whole, it would have been obvious to use position measuring system as taught by Okude '342 to facilitate grasping a situation in the vicinity of a position of a driving vehicle.

Regarding claims 21 and 23, combination of Heimann '042 and Okude '342 teach, “coincide” (i.e. col. 6, lines 49 – 50 of Okude), and “road or street section data includes” (i.e. col. 1, lines 42 – 44 of Okude).

Regarding claims 39 and 40, combination of Heimann and Okude teach, “camera for producing image” (i.e. col. 4, lines 38 of Heimann) and “stereoscopic image generating in claim 41” (i.e. col. 1, lines 5 – 10 of Okude).

3. Claims 20, 22, 24 – 38 and 43 – 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heimann '042 and Okude '342 further in view of Wilson et al (US 6,385,539).

Regarding claims 20, 27 and 33, combination of Heimann '042 and Okude '342 teach, “a method of producing road or street section data for a digital map and an image producing device and position determining device for generating position of the vehicle and an orientation of the vehicle in relation to an origin of a fixed first coordinate system” as discussed earlier. Combination of Heimann '042 and Okude '342 fails to explicitly show “vehicle with absolute positioning sensor”. However, such features are well known and used in the art as evidenced by Wilson '539 (col. 1, lines 24+ and col. 6, lines 30+).

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Therefore, taking the combined teaching of Heimann '042 and Wilson '539 and Okude '342 as a whole, it would have been obvious to equip the vehicle with absolute positioning sensors to improve and obtain more accurate vehicle positioning as suggested by Wilson '539 (col. 6, lines 30 – 45).

Regarding claims 22, combination of Heimann and Okude and Wilson teach, “description includes at least one road or street section relative to the vehicle, and spacing and longitudinal axis, street or road edge, and width” (i.e. fig. 6, col. 1, lines 50+ and col. 6, lines 28+, col. 10, lines 1 – 5 and col. 5, lines 8 – 10 of Wilson).

Regarding claims 24, 30 and 37, combination of Heimann and Okude and Wilson teach, “comparing the road or street section data with pre-existing road or street data and updating” (i.e. col. 3, lines 18 – 20, and col. 6, lines 1 – 3 of Heimann, and col. 1, lines 37 – 39, and col. 4, lines 54 – 56 of Wilson).

Regarding claims 25, 31 and 38, combination of Heimann and Okude and Wilson teach, “transmitting the data” (i.e. fig. 2, data transmission section) and “exchange of information” (i.e. col. 1, lines 20 – 22 of Heimann).

Regarding claims 26, 32, 35 and 42, combination of Heimann and Okude and Wilson teach, “providing a vehicle with an image producing device” (i.e. vehicle 11 with video camera, col. 4, lines 38 – 39 of Heimann) and “generating image data of surroundings of the vehicle and position determining device for generating position of the vehicle” (i.e. abstract, col. 6, lines 25+, col. 2, lines 55 – 60 of Heimann) and “driving the vehicle over at least one road” (i.e. abstract of Heimann), and “during the driving of the vehicle and simultaneously collecting image data with the camera” (i.e. col. 5, lines

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55 – col. 6, lines 31 of Heimann) and “analyzing the image data and correlating the vehicle position data and the road or street section” (i.e. traffic computer 20 of fig. 1 of Heimann) and “road or street section description includes standing or parking space information, cycle lane information, lane quality information, building information or alternative lane guidance” (i.e. col. 8, lines 23 – 28, col. 4, lines 50 – col. 5, lines 18 of Okude, and col. col. 1, lines 50+ and col. 6, lines 28+, col. 10, lines 1 – 5 and col. 5, lines 8 – 10 of Wilson).

Regarding claims 28, 29, 34 and 36, combination teaching of Heimann and Okude and Wilson teach, “coincide with an origin” (i.e. col. 6, lines 49 – 50 of Okude) and “road or street section data includes” (i.e. col. 1, lines 42 – 44 of Okude).

Regarding claim 43, combination teaching of Heimann and Okude and Wilson teach, “transmitting the data to a central station”, reads on (fig. 2, data transmission section of Heimann) and “exchange of information” (i.e. col. 1, lines 20 – 22 of Heimann).

Regarding claim 44, the claimed “interface” is necessitated by the traffic processor 20 of Heimann, for communication with other devices.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

1/8/2005


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600